

**HOFLAND & TOMSHECK**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY WALTER JOHNSON

Defendant

Case No.: 2:13-cr-317-KJD-GWF

STIPULATION AND ORDER TO  
CONTINUE SENTENCING DATE,  
(FIRST REQUEST)

IT IS HEREBY STIPULATED, by and between the UNITED STATES OF AMERICA, by and through Daniel Bogden, United States Attorney and Pamela Martin, Assistant United States Attorney, and defendant, RANDY WALTER JOHNSON, by and through his attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing date in the above-captioned matter now scheduled for July 28, 2015 be vacated and continued to a date and time convenient to the Court, no sooner than thirty (30) days beyond the current setting, in order for the Parties to have sufficient time to prepare for sentencing in this matter.

This is the FIRST request by the undersigned defense counsel for a continuance of the scheduled sentencing date, is made in good faith and not for the purpose of delay and comports with the good cause requirements of Fed. R. Crim. P. 32(b)(2).

1           1.     Counsel for the Defendant is appointed CJA counsel.

2           2.     Counsel will be out of the jurisdiction until the date currently  
3 scheduled for sentencing in this matter and will therefore be unable to adequately  
4 prepare for sentencing in this matter.

5           3.     Given the facts articulated above, Counsel for Defendant contacted the  
6 Assistant United States Attorney responsible for the prosecution of this matter, Pam  
7 Martin, Esq. and requested a stipulation that sentencing be continued for a period of  
8 thirty (30) days to a date Counsel for Defendant will be in the jurisdiction and be  
9 able to fully prepare for sentencing.

10          4.     Denial of this request for continuance would deny the parties herein  
11 time and the opportunity to effectively and thoroughly prepare for the sentencing  
12 hearing, taking into account the exercise of due diligence.

13          5.     Additionally, denial of this request for continuance could result in a  
14 miscarriage of justice.

15          6.     For all of the above-stated reasons, the ends of justice would best be  
16 served by a continuance of the sentencing date.

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19           **PAM MARTIN, ESQ**  
20           Assistant United States Attorney

**HOFLAND & TOMSHECK**

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22           /S/ P. Martin  
23           **PAM MARTIN, ESQ.**  
24           Assistant United States Attorney

/S/ J. Tomsheck  
25           **JOSHUA TOMSHECK, ESQ**  
26           Counsel for Defendant  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v

RANDY WALTER JOHNSON

Defendant

Case No.: 2:13-cr-83-JCM-CWH

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

The parties have stipulated to continue the sentencing hearing date as presently scheduled.

This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to effectively prepare for the sentencing hearing, taking into account the exercise of due diligence, and a miscarriage of justice could result, based on the following:

1. Counsel for the Defendant is appointed CJA counsel.
2. Counsel will be out of the jurisdiction until the date currently scheduled for sentencing in this matter and will therefore be unable to adequately prepare for sentencing in this matter.
3. Given the facts articulated above, Counsel for Defendant contacted the Assistant United States Attorney responsible for the prosecution of this matter, Pam Martin, Esq. and requested a stipulation that sentencing be continued for a period of thirty (30) days to a date Counsel for Defendant will be in the jurisdiction and be able to fully prepare for sentencing.

1           4. Denial of this request for continuance would deny the parties herein  
2 time and the opportunity to effectively and thoroughly prepare for the sentencing  
3 hearing, taking into account the exercise of due diligence.

4           5. Additionally, denial of this request for continuance could result in a  
5 miscarriage of justice.

6           6. For all of the above-stated reasons, the ends of justice would best be  
7 served by a continuance of the sentencing date.

**ORDER**

IT IS HEREBY ORDERED, that the sentencing hearing currently scheduled for July 28, 2015 be vacated and continued to 9/9/15 at 9:00 AM.

ENTERED this 22<sup>nd</sup> day of July, 2015.



United States District Court Judge